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REMARKS

Claims 1-14 are now pending in the application, Claims 1, 7 and 14 being independent claims. Claims 15-20 have been canceled.

Claims 15-20 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement, and specifically, for not disclosing "a computer readable medium". In order to eliminate this as an issue, Claims 15-20 have been canceled without prejudice and without disclaimer of subject matter. Withdrawal of the 112 rejection is respectfully requested.

Claims 1-2, 6, and 15-16 were rejected under 35 USC 102(b) as being anticipated by US Patent 5,659,350 (Hendricks '350); Claims 7-9, 11-14 and 17-20 were rejected under 35 USC 102(e) as being anticipated by *newly-cited* US Patent 7,134,131 (Hendricks '131.); Claims 3-4 were rejected under 35 USC 103(a) as being unpatentable over Hendricks '350 in view of US Patent 6,178,447 (Wannenmacher et al.) and Claims 5 and 10 were rejected as being unpatentable over Hendricks '350 in view of US Patent 6,005,597 (Barrett et al.).

In view of the foregoing claim amendments and cancellations, and the following discussion, each of these rejections is respectfully traversed and reconsideration is requested.

First Applicant notes that as explained in the specification as filed, in a method according to Applicant's teachings, "index data is continuously and repeatedly broadcast over the entire area" (para. [0049]) – and "receiver 40 is alerted that tuning data 104 follows on index data signal 34 when it detects its identifier 102" – "receiver 40 then downloads tuning data 104, stores the tuning data in memory 68 and uses the tuning data to receive information the user requested in user profile data 16" (para. [0051]). Hendricks '350 fails to teach or suggest these features.

Specifically, independent Claim 1 is directed to a method for receiving in a broadcast system, at a receiver having a unique identification number, only designated information, the method including the steps of: monitoring a broadcast index signal containing tuning data, detecting the unique identification number associated with the receiver in the broadcast index signal, downloading the tuning data subsequent to detecting the unique identification number in the detecting step, storing the downloaded tuning data in memory and tuning and receiving a program signal containing program data associated with a program using the tuning data stored in the storing step.

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Applicant respectfully submits that Hendricks fails to teach or suggest a method for downloading only designated information, at a receiver having a unique identification number -- that includes the step of 'monitoring a broadcast index signal containing tuning data', and then 'detecting the unique identification number associated with the receiver, in the broadcast index signal'.

The Office Action recites (page 4, second full paragraph) "detecting and/or transmitting" -- however, Claim 1 of Applicant's application recites "**detecting**" not "transmitting". Although Hendricks '350 may include a "set top terminal identifier 928" in program information signal 276 -- it does not teach, or even suggest, that the program information signal 276 is "monitored" -- such that the corresponding set top *detects* the unique identification number, and only then downloads the tuning data. Applicant respectfully submits that even if Hendricks '350 describes 'transmitting' identifier 928 -- it does not teach or suggestion Applicant's claimed limitation of 'detecting'.

The Action directs Applicant to col. 9, lines 42-60 of Hendricks '350 -- this describes the 'poll-back responses' which allow network controller 214 to maintain accurate billing information. Col. 17, lines 50-60 of Hendricks '350 describe TABLE A, which illustrates information that can be sent in the program control information signal to set top terminals. Applicant is also directed to Col. 19, lines 30-41 of Hendricks '350, which describe TABLE B, or an "events table" that may be downloaded to a set top terminal. And finally, Applicant is directed to col. 20, lines 50-58, describing Figs. 6a and 6b of Hendricks '350, showing a data format for a program information signal, which includes a set top terminal identifier 928. Again, Applicant respectfully submits that *none* of these sections of Hendricks '350 teach or suggest 'monitoring a broadcast signal containing tuning data' - such that the set top, upon detection of the unique identification number -- download and store the tuning data. Hendricks '350 does not download and store only the tuning data related to a signal that includes the unique identification number associated with that receiver.

For at least the foregoing reasons, Applicant submits that independent Claim 1 is patentable over Hendricks '350.

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Independent Claim 7 is directed to a method for requesting and receiving designated information in a broadcast system, at a transceiver having a unique identification number, the method including the steps of: transmitting to a wireless communication system a request signal, the request signal including the unique identification number and a request for a program; receiving from the wireless communication system a broadcast index signal containing the unique identification number associated with the receiver and tuning data; storing the tuning data in memory; and receiving a program signal containing program data, associated with a program, using the stored tuning data.

Independent Claim 14 is directed to a method for requesting and receiving designated information in a broadcast system, at a first transceiver having a unique identification number, the method reciting the steps of Claim 7, and also the additional step of *transmitting at least a portion of the stored tuning data from the first transceiver to a second transceiver*.

As described above (with respect to Hendricks '350), Applicant respectfully submits that Hendricks '131 similarly fails to teach or suggest a method in accordance with Claim 7, in which a transceiver receives from a wireless communication system only broadcast index signals containing the *unique identification number associated with the receiver*. While the section of Hendricks '131 that describes the program control information signal (col. 41, line 48 -- col. 45, line 20) may note that an 'event ID' or 'global channel ID' is included in TABLE B, it does *not teach or suggest* that the transceiver receives from the wireless communication system a broadcast index signal *containing the unique identification number* associated with the receiver and tuning data, and stores only the corresponding tuning data in memory.

For at least the foregoing reason, Applicant respectfully submits that each of independent Claims 7 and 14 is patentable over Hendricks '131.

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CONCLUSION:

It is respectfully submitted that all pending claims are in condition for allowance, and a Notice of Allowance is respectfully requested. Should the Examiner be of the view that an interview would expedite consideration of the application, request is made that the Examiner telephone the Applicants' attorney at (908) 518-7700 in order that any outstanding issues be resolved.

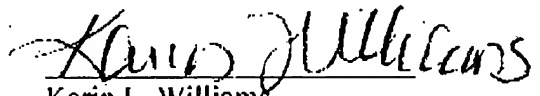
FEES:

The Commissioner is authorized to charge the extension fee, and any additional fees, that may be due and owing as a result of this response to the undersigned attorney's PTO Deposit Account number 50-1047.

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Respectfully submitted,


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